

REMARKS

Applicant wishes to thank the examiner for the clear statements in the office action. At the outset, it is noted that claims 6-8 were not examined. Even so, applicant is responding now to explain why these claims are allowable over the prior art of record.

The claims define around the prior art Shaw patent. In particular, in Shaw, a single tap 36 provides a tapped refrigerant through an expansion device 40 to the economizer heat exchanger 28. Regardless of whether the system is in heating or cooling mode, the same tap from the same location occurs. Claim 1 requires that the tap be from a location intermediate the outdoor heat exchanger and the economizer heat exchanger in cooling mode, and from a location intermediate the indoor heat exchanger and the economizer heat exchanger in a heating mode. Shaw tap 36 cannot meet this limitation. Further, dependent claim 2 requires that the tap be between a “second valve” and the economizer heat exchanger. The only “valve” associated with the economizer in Shaw is directly adjacent to the economizer. The Shaw tap point 36 is not between “valve 40” and the economizer, and thus Shaw cannot properly meet claim 2.

Similarly, claim 5 requires that the valve is a four-way, reversing valve, and Shaw cannot meet this limitation either.

Claim 6 requires that a tap is provided on a line between the second valve and the economizer heat exchanger. Again, the only valve is element 40 in Shaw, and the tap is not between this element and the economizer heat exchanger. Method claim 7 is allowable for reasons similar to the reasons claim 1 is allowable. Method claim 8 requires that the second valve is a four-way valve, and is allowable for the additional reasons set forth above with regard to claim 5. For the reasons set forth above, all claims are allowable. An indication of such is requested.



60,246-247; 10,758

Applicant believes that no additional fees are necessary, however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

Respectfully submitted,

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CERTIFICATE OF MAIL

I hereby certify that the enclosed Response is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 29 day of June, 2004.

Laura Combs